

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 872 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UMABEN I RAVAL

Versus

STATE OF GUJARAT

Appearance:

MR AM RAVAL for Petitioner
MR TRIVEDI for the Respondent

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 14/08/97

ORAL JUDGEMENT

The petitioner has claimed pension as a freedom fighter. The matter had been pending since long with the Government. This Court had, on 4th July, 1997, while admitting the matter, given an interim direction to the respondent authorities for reconsidering the case of the petitioner for pension as a freedom fighter. It was observed that the impugned order made against the petitioner refusing pension was highly technical and

pedantic and passed without taking into consideration the relevant aspects in their proper perspective. Thereafter, the petitioner has been heard on 24.7.97 and the Government have now by order dated 8th August, 1997 sanctioned pension to the petitioner of Rs. 800/- per month to be paid from 1.9.97 onwards for life time. A copy of the order has been given to the petitioner in Court today. In view of this order, the earlier order of the respondent authority of refusing pension stands revoked. The petitioner will get pension as per the order which is now passed.

It is however, directed that petitioner's case for such pension for the past period and payment of arrears should be decided upon within two weeks from the date of receipt of a copy of this order, in the light of the judgement of the Supreme Court in the case of Mukund Lal Bhandari Vs. Union of India, reported in A.I.R 1993 S.C 2127, in which it was held that whatever be the date on which the claimants make their applications for such freedom fighters' pension, the benefits should be made available to them from the date of entitlement. The petitioner is now considered as entitled to such pension and therefore, has been granted the pension. There is therefore, no reason to deny the petitioner pension from the date on which she became entitled and to pay arrears after allowing the same. Rule is made absolute accordingly with no order as to costs.
